

REMARKS

Claim 16 has been amended. Claims 1, 2 and 5-19 are pending, and claims 5-7 and 9-15 have been withdrawn from consideration. Claims 1, 9, 12, 16 and 19 are the independent claims. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 16-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Koza (U.S. Patent No. 6,451,474).

Regarding the rejection of independent claim 16, it is noted that claim 16 recites a pouch-type lithium secondary battery comprising: a battery unit comprising: a positive electrode plate, a separator, and a negative electrode plate, wherein the separator is disposed between the positive and negative electrode plates; electrode tabs extending from each of the positive and negative electrode plates of the battery unit, respectively; a case having a space to accommodate the battery unit; a sealing surface along the periphery of the space; and a protection circuit board electrically connected to the electrode tabs; wherein end portions of each of the electrode tabs which connect to the protection circuit board extend outside the case, and are bent only once at a substantially right angle with respect to a plane of the sealing surface.

Koza discloses a battery pack accommodating a battery and a battery protection device between a top case and a bottom case forming a pack case (abstract). Koza also discloses that the battery pack includes a positive electrode lead 12 bonded to a positive electrode connection lead 30 (Fig. 9A). Koza further discloses bending the positive and negative electrode leads and the positive and negative electrode connection leads over the lead connection side 11b of the battery. Finally, Koza discloses that since the lead connection side 11b is located between this folded-over portion and the battery protection device 8, there is no possibility of abnormalities being produced by contact of the positive electrode lead 12 and the negative electrode lead 13 with the battery protection device 8. Thus, since the positive electrode lead 12 and the negative electrode lead 13 exit from the same side of the battery 3 and the battery protection device 8 is arranged at the side of this lead connection side 11b, there is no possibility of the leads for connection between battery 3 and battery protection device 8 having to adopt a circuitous route (column 11, lines 38-65).

Therefore, Koza clearly discloses electrode leads being bent twice with respect to a plane of the sealing surface, Fig. 9A illustrates the electrode tab being bent once and Fig. 9B

illustrates the electrode tab being bent once again.

Accordingly, Applicants respectfully assert that the rejection of claim 16 under 35 U.S.C. § 102(b) should be withdrawn because Koza fails to teach or suggest each feature of independent claim 16.

Furthermore, Applicants respectfully assert that the rejection of dependent claims 17 and 18 under 35 U.S.C. §102(b) should be withdrawn at least because of their dependency from claim 16 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 17 and 18 also distinguish over the prior art.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 2 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Koza (U.S. Patent No. 6,451,474).

Regarding the rejection of independent claim 1, it is noted that claim 1 recites a pouch-type lithium secondary battery comprising: a battery unit comprising: a positive electrode plate, a separator, and a negative electrode plate, wherein the separator is disposed between the positive and negative electrode plates; electrode tabs extending from each of the positive and negative electrode plates of the battery unit, respectively; a case having a space to accommodate the battery unit; a sealing surface along the periphery of the space; and a protection circuit board electrically connected to the electrode tabs; wherein portions of each of the electrode tabs extend outside the case, and are bent at a substantially right angle with respect to a plane of the sealing surface, and wherein the protection circuit board is disposed between an outer wall of the case and the bent electrode tabs.

The Office Action recognizes that Koza does not teach disposing the protection circuit board between an outer wall of the case and the bent electrode tabs. However, the Office Action states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to relocate the protection circuit board of Koza to a location such as the one recited in independent claim 1.

Applicants respectfully traverse such characterization of Koza for at least the following reason.

Koza discloses that the battery protection device 8 is fixed in prescribed positions of the bottom case 2b, so the connection between the various structural elements accommodated in

pack case 2 is made rigid and reliable, making it possible to provide a battery pack 1 which has rigidity in addition to the small thickness that is required for use with mobile equipment. In other words, Kozu places the battery protection device in a flat position next to the battery with the purpose of reducing the thickness of the battery pack (See Fig. 9B). Therefore, there is no motivation or suggestion in Kozu for disposing the protection circuit board between an outer wall of the case and the bent electrode tabs, as recited in independent claim 1, since Kozu attempts to reduce the thickness of the battery pack as much as possible.

As noted in MPEP 2144.04, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

Therefore, in the instant case, Kozu has not provided a motivation or a reason for rearranging the parts as alleged in the Office Action.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn because Kozu fails to teach or suggest the novel features recited in independent claim 1.

Regarding the rejection of independent claim 19, it is noted that this claim recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for substantially the same reasons set forth above.

Furthermore, Applicants respectfully assert that dependent claim 2 is allowable at least because of its dependency from claim 1, and because it includes additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 2 also distinguishes over the prior art.

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kozu (U.S. Patent No. 6,451,474) in view of Applicant's Admitted Prior Art.

Initially, it is noted that claim 8 depends from independent claim 1, and as noted above, Kozu fails to teach or suggest the novel features recited in independent claim 1.

AAPA, on the other hand, is relied upon for a teaching of features other than those of the independent claim. Therefore, AAPA fails to cure the deficiencies of Kozu and thus fails to

teach the novel features of independent claim 1.

Accordingly, Applicants respectfully assert that the rejection of claim 8 is allowable at least because of its dependency from claim 1. Therefore, it is respectfully submitted that claim 8 also distinguishes over the prior art.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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